

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

FILED IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

2019 FEB 14 PM 12:30

IN RE: SEARCH WARRANT  
ISSUED IN CONNECTION  
WITH THE INVESTIGATION  
BY N.C. STATE BUREAU OF  
INVESTIGATION 2018-00619

WAKE COUNTY, C.S.C.  
MOTION

Now comes the State of North Carolina by and through District Attorney Lorrin Freeman for an order sealing the search warrant, the application of search warrant and the inventories of the items seized pursuant to the search warrant by the N.C. State Bureau of Investigation. The State shows the following:

1. The N.C. State Bureau of Investigation is involved in an ongoing investigation. At this time, no charges have been initiated and the investigation continues.
2. That the investigators with the N.C. State Bureau of Investigation applied for a search warrant to obtain records in the custody and control of Metro PCS in the above captioned investigation on January 17, 2019.
3. That once served return of the search warrant, the return and inventories of items seized will be made to the Wake County Clerk of Superior Court.
4. That these search warrants, including the inventories, and the returns thereof, have not been filed heretofore with the Wake County Clerk of Court.
5. That the affidavit attached to these search warrants include information that has not been previously been made public and to publicly disclose the information might hamper or impede this investigation and/or may release information that could adversely affect persons who are not charged with committing a crime and materially prejudice further adjudicable procedures involving this investigation and any subsequent prosecution and will jeopardize the right of the State to prosecute a defendant or the right of the defendant to receive a fair trial or will undermine an ongoing investigation.

WHEREFORE, the State moves the Court seal the application for search warrant and search warrant applied for on January 17, 2019, the return and inventories of items seized by the N.C. State Bureau of Investigation and this motion.

This, the 17<sup>th</sup> day of January 17, 2019

  
\_\_\_\_\_  
N. Lorrin Freeman  
District Attorney

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

FILED IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
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IN RE: SEARCH WARRANT  
ISSUED IN CONNECTION  
WITH THE INVESTIGATION BY  
N.C. STATE BUREAU OF  
INVESTIGATION 2018-00619

WAKE COUNTY, C.S.C.

ORDER RE: SEARCH WARRANT

THIS CAUSE HAVING COME ON TO BE HEARD before the Judge Presiding, and it appearing to the Court:

1. That a search warrant was issued on January 17, 2019, at the request of the N.C. State Bureau of Investigation as part of an ongoing investigation. This search warrant was for the purpose of obtaining records in the custody and control of Metro PCS.
2. That the success of this investigation by the N.C. State Bureau of Investigation may be hindered by the publishing, at this time, of the contents of the application and warrant, and return thereof, this Motion and Order in the several manners described in the State's Motion to Seal.
3. That information included in the search warrant, any attachments, application for search, the inventories of items seized, and the return includes sensitive information which is the subject of an ongoing investigation. The Court finds that return of the search warrant, any attachments, application for search, the inventories of items seized and the return is proper in Wake County based on the search warrant having been served in Wake County and in an effort to protect the investigation.
4. That the interest of justice will best be served by temporarily sealing said warrant, any attachments, return, application for search, the inventories of items seized, the Motion and Order.
5. That to publicly disclose the basis for the search warrant, or the inventory of those matters recovered from this location might hamper or impede this investigation and/or may release information that could adversely affect persons who are not charged with committing a crime and materially prejudice further adjudicable procedures involving this investigation and any subsequent prosecution and will jeopardize the right of the state to prosecute a

defendant or the right of the defendant to receive a fair trial or will undermine an ongoing investigation.

6. The information gained in the execution of this search warrant may be of substantial investigative value, leading to other searches, and that this entire investigation is an active process at this time.

It is therefore ORDERED that the application and search warrant, issued on the above referenced date, and the return and inventories therefore, and this Motion be sealed by the Court and the contents thereof not released for period of 90 days, with leave to request an additional period upon showing of good cause.

This, the 17<sup>th</sup> day of January 2019.

  
Superior Court Judge

Film No.	File No.		
<b>SEARCH WARRANT</b>		<b>STATE OF NORTH CAROLINA</b> <b>In the General court of Justice</b> <del>Bladen County</del> <sup>DSF</sup> <b>Wake County</b> <b>Superior Court Division</b>	
In the Matter of			
Metro PCS Telephone Number 910-885-1121			
Date Issued <u>01/14/2019</u>	Time issued <u>10:23</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM		
Name of Applicant			
Name of additional Affiant			
Name of Additional Affiant			
<b>RETURN OF SERVICE</b>			
I certify that this Search WARRANT was received and executed as follows:			
Date Received <u>1/17/2019</u>	Time Received <u>10:23</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM		
Date Executed <u>1/17/2019</u>	Date and Time Return		
<input checked="" type="checkbox"/> I made a search of <u>Metro PCS Telephone Number 910-885-1121 by email to subpoena@metropcs.com</u> <u>on 1/17/2019 at 1:05 pm.</u>			
		as commanded.	
<input checked="" type="checkbox"/> I seized the items listed on the attached Inventory. <input type="checkbox"/> I did not seize any items. <input type="checkbox"/> This warrant was not executed within 48 hours of the date of issuance and I hereby return it not executed			
Signature of Officer Making Return <u>CSO J. Tamm</u>		Date <u>2/11/2019</u>	
Department or Agency of Officer <u>NCSD</u>		Time <u>12:35</u> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	
Signature <u>Deputy H. B. Abbott</u>		<input checked="" type="checkbox"/> Deputy <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court	
AOC-CR-119 / Rev 8/83		Date <u>01/14/2019</u> Signature <u>[Signature]</u> <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> clerk of Superior Court <input type="checkbox"/> Magistrate <input type="checkbox"/> District Ct. Judge <input checked="" type="checkbox"/> Superior CT. Judge	

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as describe the application.

You are commanded to search the premises, vehicle, person, and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this warrant and make due return to the Clerk of Issuing Court.

This Search Warrant is issued upon information furnished under oath by the person or persons shown.

## APPLICATION FOR SEARCH WARRANT

I, Criminal Specialist D. S. Faircloth with the North Carolina, being duly sworn, request that the Court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that (Describe property to be seized; or if search warrant is to be used for searching a place to serve an arrest warrant or other process, name person to be arrested.)

SEE ATTACHED "PROPERTY/EVIDENCE TO BE SEIZED"

constitutes evidence of a crime and the identity of a person participating in a crime, NCGS Statute NCGS 163A-920; 163A-1298(a)(6); 163A-1317; Election Law Violation

and is located (check appropriate box(s) and fill-in specified information)

☒ in the following premises: SEE ATTACHED "PLACES TO BE SEARCHED"

☐ (and) on the following person(s)

☐ (and) in the following vehicle(s)

☐ (and) (Name or describe other places or items to be searched, if applicable)

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:

SEE ATTACHED "PROBABLE CAUSE AFFIDAVIT".

### SWORN AND SUBSCRIBED TO BEFORE ME

Date

1/17/2014

Signature



CSDA Faircloth, NCBI

Signature of Applicant

☐ Deputy CSC ☐ Asst CSC ☐ Clerk of Superior Court

☐ Magistrate ☒ Judge

☒ In addition to the affidavit included above, this application is supported by additional affidavit(s), attached, made by the above named applicant

☐ In addition to the affidavit included above, this application is supported by sworn testimony given by: \_\_\_\_\_

This testimony has been ☐ reduced to writing ☐ tape recorded and I have filed each with the Clerk.

If a continuation is necessary, continue the statement on an attached sheet of paper with notation saying "see attachment."  
Date the continuation and include on it the signatures of applicant and issuing official.

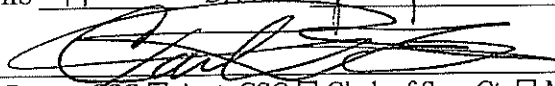
Metro PCS Telephone Number 910-885-1121


ATTACHMENT I- PROPERTY/EVIDENCE TO BE SEIZED:

The facts and circumstances outlined in this affidavit suggest that the following items of evidentiary value should be seized:

1. Electronic copies of text messages (content and activity) for target telephone number 910-885-1121 for the dates of January 1, 2016 – January 15, 2019.
2. Incoming and outgoing call records (CDR Reports) including cellular tower locations without geographical limits; global positioning locations; pertaining to target telephone number 910-885-1121 for the dates of January 1, 2016 – January 15, 2019.
3. Any and all PCMD (per call measurement data) reports, NELOS reports, RTT (range to tower) reports, historical GPS location, etc. related to target telephone number 910-885-1121 for as far back as this data is kept.
4. Any and all EVDO Data reports related to target telephone number 910-885-1121 for as far back as this data is kept.
5. All subscriber information related to the cellular telephone number 910-885-1121 for as far back as this data is kept.
6. Any and all stored voicemails related to target telephone number 910-885-1121 for as far back as this data is kept.

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 17<sup>th</sup> DAY OF January, 20 19.

  
☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☒ Judge

  
Signature of Applicant

IN THE MATTER OF:

ATTACHMENT TO APPLICATION  
FOR SEARCH WARRANT

Metro PCS Telephone Number 910-885-1121

ATTACHMENT II- PLACES TO BE SEARCHED:

The places to be searched are the records maintained by Metro PCS, for target telephone number 910-885-1121. If the records for this target number are maintained by cellular telephone service providers other than the above listed provider, this search warrant shall also authorize the production of records from these cellular telephone service providers.

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 14th DAY OF January, 20 19.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☐ Judge

CSDA Finitelli, NCSBT  
Signature of Applicant

Metro PCS Telephone Number 910-885-1121

ATTACHMENT III- PROBABLE CAUSE AFFIDAVIT:

The Affiant swears to the following facts to establish probable cause for the issuance of a search warrant:

I, D. S. Faircloth being duly sworn depose and say the following:

I am 44 years old, a citizen of the United States and a resident of North Carolina. In the Spring of 1996, I graduated from East Carolina University with a Bachelor of Science degree in Biology.

I am employed as a Criminal Specialist (CS) of the North Carolina State Bureau of Investigation. I am assigned to the Special Investigations Unit to investigate cases of public corruption and other related crimes in violation of the North Carolina criminal laws.

The information received during the course of this investigation is discussed in this affidavit and is believed to be true and accurate by CS D. S. Faircloth.

In my capacity as a Criminal Specialist (CS), I have been assigned to conduct a criminal investigation concerning possible absentee ballot fraud committed in Bladen County, North Carolina by McCrae Dowless and others. This investigation was initiated at the request of District Attorney N. Lorrin Freeman in the 10th Prosecutorial District.

On Wednesday, October 17, 2018, CS Faircloth and Federal Bureau of Investigation (FBI) Special Agent (SA) James Kaylor interviewed Tonia Gordon at a location in Bladen County, North Carolina. Gordon told CS Faircloth that McCrae Dowless gave her several blank "State Absentee Ballot Request Forms" and told her to have several individuals in Bladen County, North Carolina complete the forms. Gordon went to several individuals in Bladen County to complete the "State Absentee Ballot Request Form." Gordon would return all the completed "State Absentee Ballot Request Forms" back to McCrae Dowless. McCrae Dowless would then pay Gordon \$5.00 for every "State Absentee Ballot Request Form" she returned to him. Gordon would then go to the individual's residence after the ballot was mailed to the individual that requested it. Gordon would sign as a witness on the outer envelope that the individual completed their ballot. Gordon would collect the sealed envelope containing the completed ballot and return it to McCrae Dowless. McCrae Dowless would then pay \$5.00 to Gordon for the sealed envelope containing the completed ballot.

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 17th DAY OF January, 20 19.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☐ Judge

CS D S Faircloth, NCBI  
Signature of Applicant



Metro PCS Telephone Number 910-885-1121

On Thursday, October 18, 2018, CS Faircloth and CS C. L. Barefoot of the North Carolina State Bureau of Investigation interviewed Kelly Hendrix at a location in Bladen County, North Carolina. Hendrix said McCrae Dowless gave her several blank "State Absentee Ballot Request Forms" and told her to go to several individuals in Bladen County, North Carolina, and have them complete the "State Absentee Ballot Request Form." Hendrix went to several individuals in Bladen County to have them complete the "State Absentee Ballot Request Form." Hendrix collected all the completed "State Absentee Ballot Request Forms" and returned them to McCrae Dowless. Hendrix said McCrae Dowless would pay her "gas money" to go to different individual's residence to have them complete the "State Absentee Ballot Request Form." Hendrix would then go to the individual's residence when the ballot was mailed to the individual's residence. Hendrix would sign as a witness that the individual filled out their ballot and placed the ballot inside a sealed envelope. Hendrix would then collect the sealed envelope containing the completed ballot from the individual and return the sealed envelope to McCrae Dowless.

On Thursday, December 27, 2018, CS Faircloth and CS C. L. Barefoot of the North Carolina State Bureau of Investigation interviewed Matthew Matthis at a location in Sampson County, North Carolina. Matthis said he worked for McCrae Dowless for approximately two months prior to the General Election 2016. McCrae Dowless told Matthis he was running for Soil and Water Conservation and he wanted Matthis to go out and get individuals to complete absentee ballot forms. McCrae Dowless told Matthis once he collected 20 absentee ballot request forms that were filled out to turn them into McCrae Dowless. McCrae Dowless paid Matthis \$112.50 for every 20 absentee ballots that were filled out. McCrae Dowless would tell Matthis when the individual received their absentee ballot in the mail. Matthis would then go to the individual and collect their completed absentee ballot that was placed in an envelope. Matthis would sign as a witness' signature on the outer envelope of the completed absentee ballot. Matthis would turn in all the completed absentee ballots inside their envelopes to McCrae Dowless. McCrae Dowless would pay Matthis \$112.50 for every 20 completed absentee ballots he collected for McCrae Dowless. Matthis said he talked by telephone with McCrae Dowless prior to Matthis speaking with the investigators from the North Carolina State Board of Elections. McCrae Dowless wanted to meet with Matthis and his girlfriend, Caityln Croom, so McCrae Dowless could tell them what to say and how to say it to the investigators with the North Carolina State Board of Elections. Matthis confirmed in the interview that McCrae Dowless' telephone number was 910-885-1121. Matthis said he would communicate with McCrae Dowless by text message regarding work Matthis was doing for McCrae Dowless with the collection of completed absentee ballot request forms and collection of completed absentee ballots placed inside their envelopes. Matthis would be a witness' signature on the outer envelope of the completed absentee ballot. Matthis would turn in the absentee ballot request forms and the completed absentee ballots to McCrae Dowless. Matthis was paid by McCrae Dowless at that time. Matthis said a text message was sent to McCrae Dowless regarding receiving a bonus payment from McCrae Dowless if certain political candidates won their elections.

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 17th DAY OF January, 20 19.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☐ Judge

CSO Faircloth, NCJOT  
Signature of Applicant

Metro PCS Telephone Number 910-885-1121

On Monday, January 7, 2019, CS Faircloth and CS C. L. Barefoot of the North Carolina State Bureau of Investigation interviewed Caityln Croom at a location in Wilmington, North Carolina. Croom would go to different individuals in Bladen County, North Carolina and have them complete an absentee ballot request form. Croom said she would collect 20 completed absentee ballot request forms and turn them into McCrae Dowless. McCrae Dowless would pay Croom \$112.50. Croom would then go back to the individuals that completed the absentee ballot request forms and collect their completed absentee ballot that was placed inside an envelope by the voter. Croom would collect 20 completed absentee ballots inside their envelopes and turn them into McCrae Dowless. McCrae Dowless would pay Croom \$112.50. Croom confirmed in the interview that McCrae Dowless' telephone number was 910-885-1121. Croom said she would communicate with McCrae Dowless by text message regarding work Croom was doing for McCrae Dowless with the collection of completed absentee ballot request forms and collection of completed absentee ballots placed inside their envelope. Croom would be a witness' signature on the outer envelope of the completed absentee ballot. Croom would turn in the absentee ballot request forms and the completed absentee ballots to McCrae Dowless. Croom was paid by McCrae Dowless at that time. Croom said a text message was sent to McCrae Dowless regarding receiving a bonus payment from McCrae Dowless if certain political candidates won their elections.

All information and facts provided in this affidavit are true and accurate to the best of the applicant's knowledge. The applicant feels that there is sufficient probable cause for the issuance of a search warrant for above-described records.

The applicant would respectfully request the court issue a search warrant for the records maintained by the Metro PCS for target telephone number 910-885-1121.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 17<sup>th</sup> DAY OF January, 20 19.☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☐ Judge

CS D Faircloth, NCBI  
Signature of Applicant

# STATE OF NORTH CAROLINA

File No.

Wake

County

In The General Court Of Justice  
☐ District ☐ Superior Court Division

## IN THE MATTER OF:

Name

Metro PCS Telephone Number 910-885-1121

## INVENTORY OF ITEMS SEIZED PURSUANT TO SEARCH

G.S. 15A-223, -254, -257

I, the undersigned officer, executed a search of:

Person, Premises Or Vehicle Searched

Metro PCS Telephone Number 910-885-1121 by email to subpoena@metropcs.com  
 on 1/17/2019 at 1:05 pm

Date Of Search

1/17/2019

This search was made pursuant to

- ☒ 1. a search warrant issued by: Superior Court Judge Carl Fox  
☐ 2. consent to search given by: \_\_\_\_\_  
☐ 3. other legal justification for the search: \_\_\_\_\_

The following items were seized:

All records maintained by Metro PCS for target number 910-885-1121.  
 Criminal Specialist DSGincolth received the following records by email from T-Mobile  
 on 2/6/2019

Nothing further CSDSGincolth NCSBI 2/14/2019

Original - File

Copy - For Search by Warrant of a Person, to Person from Whom Items Taken

Copy - For Search by Warrant of Vehicle/Premises, to Owner or Person in Apparent Control; if No Such Person Present, Leave Copy Affixed Thereon

Copies - For Search by Consent, to Person Giving Consent and Owner of Vehicle/Premises Searched, if Known

(Over)

Items Seized Continued:

nothing further CSDJFtrialok NCSBI 2/14/2019

☐ 1. I left a copy of this inventory with the person named below, who is:

- ☐ a. the owner of the premises searched.
- ☐ b. the owner of the vehicle searched.
- ☐ c. the person in apparent control of the premises searched.
- ☐ d. the person in apparent control of the vehicle searched.
- ☐ e. the person from whom the items were taken.

☒ 2. As no person was present, I left a copy of this inventory:

- ☐ a. in the premises searched, identified on the reverse.
- ☐ b. in the vehicle searched, identified on the reverse.

Name And Address Of Person To Whom A Copy Of This Inventory Was Delivered, If Any

CSDJFtrialok emailed a copy of the inventory of items seized pursuant to search to subpoenas@metropcs.com on 2/14/2019 which will be included in the investigative case file for NCSBI Case 2018-00619

The law enforcement agency identified below will hold the seized property subject to court order.

<b>SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME</b>		Name Of Law Enforcement Officer (type or print) CSDJFtrialok
Date 2-14-19	Name (type or print) Cynthia H. Bobbitt	Signature Of Law Enforcement Officer CSDJFtrialok, NCSBI
<input type="checkbox"/> Notary	Signature Cynthia H. Bobbitt	Title Of Law Enforcement Officer Criminal Specialist
SEAL	Date My Commission Expires	Name And Address Of Agency NCSBI 3320 Garner Road Raleigh NC
	County Where Notarized	
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Magistrate		

**ACKNOWLEDGMENT OF RECEIPT**

I, the undersigned, received a copy of this inventory.

Date	Signature Of Person Receiving Inventory
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